

S-5130

1 Amend the amendment, S-5126, to Senate File 2347 as
2 follows:

3 1. Page 1, after line 39 by inserting:
4 < ____. Page 36, after line 24 by inserting:

5 <DIVISION _____
6 PUBLIC EMPLOYEE SETTLEMENT AGREEMENTS AND DISCIPLINARY
7 ACTIONS

8 Sec. _____. Section 22.7, subsection 11, paragraph
9 a, subparagraph (5), Code 2014, is amended to read as
10 follows:

11 (5) The fact that the individual resigned in lieu
12 of termination, was discharged, or was demoted as
13 the result of a final disciplinary action upon the
14 exhaustion of all applicable contractual, legal, and
15 statutory remedies, and the documented reasons and
16 rationale for the resignation in lieu of termination,
17 the discharge, or the demotion.

18 Sec. _____. NEW SECTION. 22.13A Personnel settlement
19 agreements — state employees — confidentiality —
20 disclosure.

21 1. For purposes of this section:

22 a. "*Personnel settlement agreement*" means a binding
23 legal agreement between a state employee and the state
24 employee's employer, subject to section 22.13, to
25 resolve a personnel dispute including but not limited
26 to a grievance. "*Personnel settlement agreement*" does
27 not include an initial decision by a state employee's
28 immediate supervisor concerning a personnel dispute or
29 grievance.

30 b. "*State employee*" means an employee of the state
31 who is an employee of the executive branch as described
32 in sections 7E.2 and 7E.5.

33 2. Personnel settlement agreements shall not
34 contain any confidentiality or nondisclosure
35 provision that attempts to prevent the disclosure of
36 the personnel settlement agreement. In addition,
37 any confidentiality or nondisclosure provision
38 in a personnel settlement agreement is void and
39 unenforceable.

40 3. The requirements of this section shall not be
41 superseded by any provision of a collective bargaining
42 agreement.

43 4. All personnel settlement agreements shall be
44 made easily accessible to the public on an internet
45 site maintained as follows:

46 a. For personnel settlement agreements with an
47 employee of the executive branch, excluding an employee
48 of the state board of regents or institution under
49 the control of the state board of regents, by the
50 department of administrative services.

1 *b.* For personnel settlement agreements with an
2 employee of the state board of regents or institution
3 under the control of the state board of regents, by the
4 state board of regents.

5 Sec. _____. IMPLEMENTATION PROVISION. This division
6 of this Act shall not be construed to limit or impair
7 the ability of law enforcement personnel to investigate
8 any activity that may violate the laws of the state.

9 Sec. _____. EFFECTIVE UPON ENACTMENT. This division
10 of this Act, being deemed of immediate importance,
11 takes effect upon enactment.

12 Sec. _____. RETROACTIVE APPLICABILITY. The following
13 provision of this division of this Act applies
14 retroactively to January 1, 2004:

15 1. The section of this division of this Act
16 amending section 22.7, subsection 11.>

17 _____. Title page, by striking lines 1 through 5
18 and inserting <An Act relating to state finances
19 and public employment by appropriating moneys to the
20 college student aid commission, the department for the
21 blind, the department of education, and the state board
22 of regents, and providing for related matters, and
23 including effective date and retroactive applicability
24 provisions.>>

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